

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA
INFO PAN CANAL
US SOUTHCOM

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E.O. 11652: N/A

TAGS: AFSP, MARR, EWWT, PN

SUBJECT: USE BY EMBASSY AND OTHER USG AGENCIES OF MILITARY
AND CANALCOMMISSION FACILITIES UNDER THE NEW CANAL TREATY

REF: PANAMA 05684

1. WE SHARE THE EMBASSY'S PURPOSE IN SEEKING TO CONVERT
WHAT IS NOW A BILATERAL PROBLEM INTO AN INTERNAL USG POLICY
QUESTION. AT THE SAME TIME, WE WISH TO PROCEED IN A MANNER
WHICH AVOIDS OR AT LEAST MINIMIZES INTERNAL USG COMMUNITY
INEQUITIES. WHILE WANTING TO BE AS HELPFUL AS WE CAN WITH
REGARD TO THE USE OF CANAL COMMISSION AND MILITARY FACILI-
TIES BY US OFFICIALS AND RETIRED MILITARY PERSONNEL, WE SEE
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SOME PROBLEMS IN AN EXCHANGE OF NOTES SUCH AS THE
EMBASSY SUGGESTS.

2. THE FIRST RELATES TO THE FIVE-YEAR LIMITATION OF
PRIVILEGES FOR COMMISSION EMPLOYEES UNDER ARTICLE XIII OF
THE AGREEMENT IN IMPLEMENTATION OF ARTICLE III OF THE PANAMA
CANAL TREATY. WE DO NOT WISH TO TAKE ANY ACTION WHICH WOULD

RESULT IN A REQUEST AT THIS TIME TO REOPEN THIS OR OTHER PROVISIONS OF THE IMPLEMENTING AGREEMENT. FURTHER, WE BELIEVE WE SHOULD AVOID ANY CONTROVERSY WITH THE GOP OVER PRIVILEGES TO BE EXTENDED TO OTHER AMERICANS.

3. WE ALSO HAVE A PROBLEM WITH THE EMBASSY'S FORMALLY SEEKING PRIVILEGES FOR RETIRED MILITARY PERSONNEL AND THEIR DEPENDENTS IN VIEW OF 2 FAM 221.2 WHICH STATES THAT POSTS SHALL NOT ASSIST IN OBTAINING DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR PERSONS WHO ARE NOT ACTIVELY SERVING AS MEMBERS OF THE OFFICIAL USG MISSION. BUT WE UNDERSTAND THE REASONS EXPRESSED IN REFTEL FOR SUCH A REQUEST, AND WOULD HAVE NO OBJECTION TO HAVING USSOUTHCOM EXPLORE THIS MATTER INFORMALLY ON A MILITARY-TO-MILITARY BASIS IN THE APPROPRIATE WORKING GROUP, WITH A VIEW TO OBTAINING COMPARABLE PRIVILEGES FOR RETIRED PERSONNEL.

4. GIVEN THESE CONSIDERATIONS, THE EMBASSY IS AUTHORIZED TO UNDERTAKE INFORMAL DISCUSSIONS WITH THE GOP FOR A TEMPORARY, FIVE-YEAR ARRANGEMENT FOR EXTENSION OF PRIVILEGES TO THOSE ORGANIZATIONS AND INDIVIDUALS DESCRIBED IN THE FIRST FOUR SUBPARAGRAPHS OF THE FIFTH PARAGRAPH OF THE EMBASSY'S DRAFT NOTE, WHICH WOULD AVOID DISCRIMINATION AGAINST COMMISSION EMPLOYEES. THIS WOULD BE ACCOMPLISHED BY DEFINING PRIVILEGES AVAILABLE TO OTHER USG EMPLOYEES IN TERMS OF THOSE MADE AVAILABLE TO EMPLOYEES OF THE LIMITED OFFICIAL USE

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COMMISSION UNDER THE IMPLEMENTING AGREEMENT, WITH THE EXCEPTION OF HOUSING. USE RIGHTS OF USG AGENCIES (AS DISTINGUISHED FROM INDIVIDUALS) NEED NOT, OF COURSE, BE LIMITED TO A FIVE YEAR PERIOD, BUT CAN BE SECURED FOR THE DURATION OF THE TREATY.

5. BASED ON THE RESULTS OF THE EMBASSY'S DISCUSSIONS WE CAN THEN MAKE A FURTHER DETERMINATION AS TO HOW WE WISH TO PROCEED. VANCE

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